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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
RUBI5531D1C3

In re Application of: Roberta LEE and James VETTER

Application No.: 10/796,328

Filed: March 8, 2004

For: EXCISIONAL BIOPSY DEVICE AND METHODS

**RECEIVED  
CENTRAL FAX CENTER****OCT 11 2006**The owner\*, RUBICOR MEDICAL, INC.of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 5,689,145 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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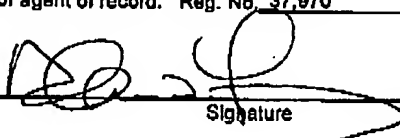
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,970

  
Signature

September 8, 2006  
Date

Alan W. YOUNG  
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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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